

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CONRAD LEONARD FITZGERALD,

Plaintiff,

v.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO, et al.,

Defendants.

1:15-cv-01425---BAM (PC)

ORDER TRANSFERRING CASE TO THE
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

In this case, none of the defendants reside in this district. The claims at issue arose in San

1 Diego County, which is in the Southern District of California. Therefore, Plaintiff's claim should
2 have been filed in the United States District Court for the Southern District of California. In the
3 interest of justice, a federal court may transfer a complaint filed in the wrong district to the
4 correct district. See 28 U.S.C. § 1406(a); Ravelo Monegro v. Rosa, 211 F.3d 509, 512 (9th Cir.
5 2000). Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
6 States District Court for the Southern District of California.

7 By this order, this Court does not rule on Plaintiff's application to proceed in forma
8 pauperis and request for service, without prepayment of costs, by the United States Marshal.

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10 IT IS SO ORDERED.

11 Dated: September 27, 2015

/s/ Barbara A. McAuliffe
12 UNITED STATES MAGISTRATE JUDGE
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